

Exhibit 6

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re HIV Antitrust Litigation

This Document Relates to:

*KPH Healthcare Services, Inc. a/k/a Kinney
Drugs, Inc. v. Gilead Sciences, Inc., et al.,
No. 3:20-cv-06961-EMC*

Case No. 3:19-cv-2573-EMC (Lead Case)

**DECLARATION OF CARLA A. PEAK
IN SUPPORT OF THE MOTION FOR
FINAL APPROVAL OF THE DIRECT
PURCHASER PLAINTIFFS'
SETTLEMENT WITH GILEAD**

I, Carla A. Peak, declare as follows:

1. My name is Carla A. Peak. I am the Vice President of Legal Notification Services at KCC who was appointed by this Honorable Court to oversee the notice plan. I have personal knowledge of the matters set forth herein, and if called as a witness I could and would testify competently to them.

2. My experience and credentials, as well as information regarding the settlement notice plan proposed for this case, were previously submitted to the court on July 23, 2023 in the Declaration of Carla A. Peak Regarding the Notice Plan for Direct Purchaser Plaintiffs' Settlement with Gilead (Dkt. 2086-4).

3. This declaration will supplement my prior declaration and provide additional information regarding the settlement notice plan and settlement administration.

Direct Mail Notice

4. On October 6, 2023, KCC sent direct mail notice to all 81 known Class Members. Sample copies of the detailed notice and pre-populated claim form that were sent with the direct mail notice are attached as Exhibit A.

5. On November 6, 2023, KCC mailed Reminder Notices to all non-responsive known Class Members. A copy of the Reminder Notice is attached as Exhibit B.

6. Five direct mail notices were returned as undeliverable. KCC conducted an advanced address search and could not locate a different address to send these notices. KCC immediately notified DPP Counsel of the issue.

7. KCC will cause to be mailed a second Reminder notice by December 4, 2023.

Publication Notice

8. KCC issued a press release in the *PR Newswire* on October 9, 2023. A copy of the press release as posted is attached as Exhibit C.

9. KCC issued a press release in the *Business Wire* on October 9, 2023. A copy of the press release as posted is attached as Exhibit D.

10. KCC issued top banners in the October 10, 2023 and October 24, 2023 editions of the e-newsletter for *Pharmaceutical Commerce*. Copies of the electronic tearsheets are attached as Exhibits E and F.

11. KCC issued leaderboards in the October 10, 2023 and October 24, 2023 editions of the e-newsletter for *Becker's Hospital Review Pharmacy Report*. Copies of the electronic tearsheets are attached as Exhibits G and H.

12. KCC issued billboard banners in the October 13, 2023 and October 24, 2023 editions of the e-newsletter for *NAW SmartBrief*. Copies of the electronic tearsheets are attached as Exhibits I and J.

Website Notice

13. On October 6, 2023, KCC posted the live HIV Direct Purchaser Class Website (www.HIVDirectPurchaserClass.com), and KCC has continued and will continue to maintain that website until settlement administration is completed.

14. KCC will add a copy of the Motion for Final Approval of Class Action Settlement with Gilead and Attorneys' Fees, Costs and Expenses, and Service Award after it is filed with the Court.

Forms Received

15. As of November 20, 2023, KCC received claim forms from 16 known class members and from 24 unknown entities.

16. As of November 20, 2023, KCC has not received any objections.

Administration Costs

17. KCC agreed to cap its administration costs at \$60,000. Provided there is no significant change in the scope of the administration, KCC may charge less, but no more than, \$60,000 for administration services.

I, Carla A. Peak, declare under penalty of perjury that the foregoing is true and correct.
Executed this 20th day of November, 2023, at Ocean City, New Jersey.



Carla A. Peak

Exhibit A

COURT-ORDERED LEGAL NOTICE
UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

If you purchased brand or generic Truvada or Atripla directly from the manufacturer, you may receive a payment from a class action settlement. Under the settlement, Gilead agreed to pay \$246,750,000 into a Settlement Fund.

A federal court authorized this notice. This is not a solicitation from a lawyer.

- A proposed settlement (“Settlement”) has been reached in a class action lawsuit (*KPH Healthcare Services, Inc. v. Gilead Sciences, Inc.*, No. 3:20-cv-06961-EMC (N.D. Cal.), coordinated with *In re HIV Antitrust Litigation* (formerly called *Staley v. Gilead Sciences, Inc.*), No. 3:19-cv-02573-EMC (N.D. Cal.)). The lawsuit alleges that Gilead engaged in a variety of allegedly anticompetitive conduct that caused Direct Purchasers to pay too much for drugs used to treat or prevent HIV. Gilead denies any wrongdoing.
- Generally, the Settlement includes entities that purchased Truvada, Atripla, or their generic equivalents directly from a brand or generic manufacturer from February 1, 2018 until September 27, 2022 (“the Direct Purchaser Classes”).
- This lawsuit and Settlement concern only Direct Purchasers, which are typically pharmaceutical wholesalers.
- The lawsuit was filed against Gilead Sciences, Inc.; Gilead Holdings, LLC; Gilead Sciences, LLC; Gilead Sciences Ireland UC; Bristol-Myers Squibb Company; and E. R. Squibb & Sons, L.L.C. The proposed Settlement is only with Gilead Sciences, Inc.; Gilead Holdings, LLC; Gilead Sciences, LLC; Gilead Sciences Ireland UC (collectively, “Gilead”).
- This Settlement resolves the claims against Gilead. A previous settlement resolved the claims against Bristol-Myers Squibb Company and E. R. Squibb & Sons, L.L.C (collectively, “BMS”).
- If you are a member of either or both of the Direct Purchaser Classes, your legal rights will be affected whether you act or don’t act. Please read this notice carefully.
- The full text of the Settlement is available for inspection at www.HIVDirectPurchaserClass.com. This notice is intended to provide a convenient summary of the Settlement. In the event of any inconsistency between this notice and the terms of the Settlement, the terms of the Settlement will control.

YOUR LEGAL RIGHTS AND OPTIONS	
SUBMIT A CLAIM	If you are a member of either or both of the Direct Purchaser Classes, you may file a claim by obtaining and submitting a Claim Form. This is the only way to receive a payment. The deadline is January 1, 2024.
OBJECT	<p>You may write to the Court about why you do not like the Settlement. The objection deadline is December 28, 2023.</p> <p>Additionally, you may ask to go to the Final Approval Hearing and speak in Court about the fairness of the Settlement.</p> <p>If you object to the Settlement, you are still a member of the Direct Purchaser Classes and you must file a claim to receive a payment.</p>
DO NOTHING	If you do nothing, you will not receive any payment. You will be bound by the releases contained in the Settlement and will not be able to file or continue to pursue your own lawsuit.

- These rights and options are explained in this notice.
- If you do not act by the deadline to object, you will lose your right to object.
- The Court in charge of this case still has to decide whether to approve the Settlement. Payments will be made if the Court approves the Settlement and after the period to appeal has expired and/or all appeals have been resolved. Please be patient.

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BASIC INFORMATION

1. WHAT IS THIS LAWSUIT ABOUT?

This lawsuit is a class action known as *KPH Healthcare Services, Inc. v. Gilead Sciences, Inc.*, No. 3:20-cv-06961 (“the Lawsuit” or “the Action”). The lawsuit has been coordinated with *In re HIV Antitrust Litigation* (formerly called *Staley v. Gilead Sciences, Inc.*), No. 3:19-cv-02573-EMC (N.D. Cal.). Judge Edward M. Chen of the United States District Court for the Northern District of California is overseeing the lawsuit.

The Lawsuit alleges that Gilead violated federal antitrust laws by conspiring to delay generic competition and charge supracompetitive prices. Gilead denies these allegations.

No court or other authority has found that Gilead engaged in any wrongdoing.

2. WHAT IS A CLASS ACTION?

In a class action, one or more people or entities called “named plaintiffs” or “class representatives” (in this case, KPH Healthcare Services, Inc. a/k/a Kinney Drugs, Inc. or “KPH”) sues on behalf of people and entities with similar claims. These people and entities are called a “Class” or “Class Members.” One court resolves the issues for all Class Members, except for those who exclude themselves from the Class.

3. ARE YOU PART OF THE DIRECT PURCHASER CLASSES?

You are part of the Direct Purchaser Classes if you are a person or entity in the United States or its territories that purchased Truvada, Atripla, or their generic equivalents directly from a brand or generic manufacturer of those drugs at any time from February 1, 2018 until September 27, 2022.

Excluded from the Classes are certain Gilead, BMS and Janssen entities; government entities; Retailer Plaintiffs (Walgreen Co.; The Kroger Co.; Albertsons Companies, Inc.; H-E-B, L.P.; Rite Aid Corporation; Rite Aid Hdqtrs. Corp.; and CVS Pharmacy, Inc.); United Healthcare Services Inc.; and the judges in this case, their court personnel, and members of their immediate families.

THE SETTLEMENT

4. WHAT DOES THE SETTLEMENT PROVIDE?

To settle the Action, Gilead agreed to pay \$246,750,000 into a Settlement Fund. In exchange, KPH will ask the Court to dismiss the Action against Gilead with prejudice. The Direct Purchaser Class Members will release all claims alleged in the Action and/or that could have been alleged in the Action (or arising out of substantially the same subject matter), assigned or otherwise, including all claims relating in any way to the alleged delay of generic Truvada and Atripla.

This Settlement is not intended to release any claims arising in the ordinary course of business between Direct Purchaser Class Members and Gilead under the Uniform Commercial Code, the laws of negligence, product liability, implied warranty, contract, express warranty, or personal injury.

Gilead will release all claims related to the allegations made in letters to KPH’s assignor, McKesson, dated June 2, 2021 and others, relating to alleged noncompliance with ADR provisions contained in the McKesson-Gilead distribution agreement.

Direct Purchaser Class Members and Gilead will release any and all provisions, rights, and/or benefits conferred by: (a) Section 1542 of the California Civil Code; (b) § 17200, *et seq.*, of the California Business and Professions Code; and/or (c) any law of any state or territory of the United States, or principle of common law, which is similar, comparable or equivalent to either provision. Direct Purchaser Class Members and Gilead also will release any known or unknown, foreseen or unforeseen, suspected or unsuspected, contingent or non-contingent claim that is the subject matter of the above releases, whether or not concealed or hidden, without regard to the subsequent discovery or existence of such different or additional facts, and which arise out of the facts, occurrences, transactions, or other matters alleged or asserted in the Action or letters referenced above.

The Settlement Fund may be reduced or the Settlement may be terminated if a certain percentage of Direct Purchaser Class Members exclude themselves from the Classes. The Settlement also may be terminated if the Court rejects the Settlement. If the Settlement is terminated, the lawsuit will proceed against Gilead as if a settlement had not been reached.

5. WHY IS THERE A SETTLEMENT?

The Court has not decided in favor of KPH or Gilead. Instead, both sides have agreed to settle. If the Court approves the Settlement, the parties will avoid the costs and uncertainty of a trial, and Class Members will be eligible to receive a payment from the Settlement. The Settlement does not mean that any law was broken or that Gilead did anything wrong. Gilead denies all legal claims in this case. KPH and its lawyers think the Settlement is best for everyone who has been affected.

SETTLEMENT PAYMENTS

6. HOW CAN YOU GET A PAYMENT FROM THE SETTLEMENT?

To retain your right to seek a payment from this Settlement, you must submit a Claim Form on or before January 1, 2024.

If you have been identified as a Direct Purchaser Class Member based on available transactional data, you will receive a Claim Form with pre-populated information that you can correct or supplement. If you believe you are a Direct Purchaser Class Member, but you do not receive such a Claim Form, you can obtain one from the settlement website (www.HIVDirectPurchaserClass.com).

You may complete your Claim Form online at the settlement website (www.HIVDirectPurchaserClass.com), or you may print a copy, fill it out, and send it by U.S. Mail to the Claims Administrator. The Claim Form includes more detailed instructions.

7. HOW MUCH WILL YOU RECEIVE FROM THE SETTLEMENT?

The net settlement fund—the Settlement Fund, plus interest accrued, minus the costs of notice and claims administration (estimated at \$55,220 and capped at \$60,000) and any attorneys' fees (a maximum of 33 ⅓% of the Gilead Settlement Fund, or \$82,250,000), costs and expenses not to exceed \$4 million, and a representative plaintiff service award of \$40,000 approved by the Court—will be allocated to Direct Purchaser Class Members based on their proportionate unit volume share of brand and generic purchases made during the Claim Period (February 1, 2018 – September 27, 2022), with greater weight assigned to brand purchases to reflect the fact that the alleged damages for brand purchases are greater than those for generic purchases.

At this time, it is unknown how much money each Direct Purchaser Class Member will receive. It will depend on the number of Direct Purchaser Class Members that submit Claim Forms and the number of qualifying purchases made by each of those Direct Purchaser Class Members.

If the Court grants final approval to the Settlement, claims will be paid after the period to appeal has expired and/or all appeals have been resolved.

8. WHAT WILL YOU GIVE UP IN EXCHANGE FOR THE SETTLEMENT?

Members of the Direct Purchaser Classes will be bound by all future orders in this case and will be bound by the release as described in Question 4.

More information about the release may be found in the Settlement Agreement, which is available on the settlement website (www.HIVDirectPurchaserClass.com).

THE LAWYERS REPRESENTING THE CLASSES

9. DO YOU HAVE A LAWYER IN THIS CASE?

The Court appointed the following attorneys as Co-Lead Class Counsel or “Class Counsel”:

Dianne M. Nast
NastLaw LLC
1101 Market Street, Suite 2801
Philadelphia, PA 19107
Telephone: (215) 923-9300
Email: dnast@nastlaw.com

Michael L. Roberts
Roberts Law Firm US, PC
1920 McKinney Avenue, Suite 700
Dallas, TX 75201
Telephone: (501) 952-8558
Email: mikeroberts@robertslawfirm.us

Class Counsel are experienced in handling similar cases against other companies.

10. HOW WILL THE LAWYERS BE PAID?

If the Court approves the Settlement, the lawyers will seek reimbursement for litigation costs and expenses up to \$4 million, attorneys’ fees up to 33 ⅓% of the Gilead Settlement Fund (a maximum of \$82,250,000), and payment of \$40,000 as a service award to the class representative, KPH, in recognition of its assistance with developing and pursuing the case.

If the Court grants the lawyers’ requests, these payments will be made from the Settlement Fund. You will not have to pay these lawyers out of your own pocket.

The lawyers’ motion for their costs and expenses award, attorneys’ fees, and the class representative service award will be filed with the Court and made available for download or viewing on or before November 23, 2023 at www.HIVDirectPurchaserClass.com.

WHAT ARE YOUR OPTIONS?

As outlined on Page 2, and as described below, Direct Purchaser Class Members have three options: (1) submit a claim; (2) object to the Settlement; and/or (3) do nothing. The deadline for each option is listed in this notice. If you do not act by the deadline for an option, you will lose your legal right to exercise that option.

11. OPTION 1 – SUBMIT A CLAIM

You can request a payment from the Settlement by submitting a Claim Form. Information about how to do this, and the effect of doing this, is outlined in the “Settlement Payments” section on Page 4.

Your Claim Form must be submitted online or postmarked by January 1, 2024. If your Claim Form is not submitted online or postmarked by that date, you will lose the ability to get a payment from this Settlement.

12. OPTION 2 – OBJECT TO THE SETTLEMENT

If you are a member of the Direct Purchaser Classes, you may tell the Court what, if anything, you do not like about the Settlement and/or Class Counsel’s requests for an award of attorneys’ fees, reimbursement of costs and expenses, and a class representative service award by filing an objection. The Court will consider your views before making a decision.

To object to the Settlement, you must file a written objection with the Court. Your objection must include the following:

1. Case name and number: *KPH Healthcare Services, Inc. v. Gilead Sciences, Inc.*, Case No. 3:20-cv-06961, coordinated with *In re HIV Antitrust Litig.* (formerly called *Staley v. Gilead Sciences, Inc.*), No. 3:19-cv-02573-EMC (N.D. Cal.).
2. Your legal name, headquarters address, and place of incorporation (if applicable).
3. Information identifying you as a Direct Purchaser Class Member.
4. The specific reasons why you object to the Settlement or any part of it, accompanied by legal support.
5. The identity of all counsel representing you, if any, and whether each may appear at the Final Approval Hearing.
6. Whether you are requesting permission to speak at the Final Approval Hearing.
7. A list of all persons who will be called to testify in support of the objection at the Final Approval Hearing.
8. Your signature, or the signature of your duly-authorized attorney or other duly-authorized representative.
9. All documents or writings you want the Court to consider.

You may file an objection by: (1) mailing the objection to the Class Action Clerk, United States District Court for the Northern District of California, 450 Golden Gate Avenue, San Francisco, CA 94102; (2) filing the objection electronically via the Court’s ECF system; or (3) filing the objection in person at any location of the United States District Court for the Northern District of California.

Your objection must be filed by December 28, 2023. If your written objection is not filed by that date, you will lose the ability to object to the Settlement.

If you object, you will remain a member of the Direct Purchaser Classes, so in order to retain your right to seek a payment from the Settlement, you also must file a Claim Form by January 1, 2024, as addressed above.

13. OPTION 3 – DO NOTHING

If you are a Direct Purchaser Class Member and you do nothing, you will remain in the Direct Purchaser Classes and be bound by all orders in this lawsuit. You will also give up the right to seek a share of the Settlement, to object to the Settlement, to speak at the hearing about the Settlement, or to be part of another lawsuit against Gilead for any and all claims released by this Settlement Agreement.

FINAL APPROVAL HEARING

14. WHAT IS A FINAL APPROVAL HEARING?

At the Final Approval Hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. The Court will also consider Class Counsel's request for reimbursement of costs and expenses and payment of attorneys' fees and a class representative's service award. If there are objections, the Court will consider them at that time.

After the hearing, the Court will decide whether to grant final approval to the Settlement. It is unknown how long this decision will take.

15. WHEN IS THE FINAL APPROVAL HEARING?

The Court will conduct the Final Approval Hearing at the United States District Court for the Northern District of California, San Francisco Courthouse, Courtroom 5 – 17th Floor, 450 Golden Gate Avenue, San Francisco, CA 94102.

The Court has scheduled the Final Approval Hearing for January 18, 2024 at 1:30 p.m. Pacific Time, but the date and time may change without further notice to the Direct Purchaser Classes. For updated information on the hearing, you may check the settlement website, contact Class Counsel, or access the court docket for this case as described in the "Getting More Information" section on Page 8.

16. DO YOU HAVE TO ATTEND THE HEARING?

You do not need to attend the Final Approval Hearing. Class Counsel will answer any questions the Court may have.

If you send an objection, you do not have to come to Court to talk about it. As long as you submitted your written objection on time, to the proper address, and it complies with the other requirements provided in this notice, the Court will consider it.

But if you want to attend, you are welcome to do so at your own expense. You may also pay another lawyer to attend for you, but you will be responsible for hiring and paying that lawyer.

17. MAY YOU SPEAK AT THE HEARING?

If you object to the Settlement, you may ask the Court for permission to speak at the hearing. Your objection must include a request to speak, be timely submitted, and comply with the other requirements provided in this notice.

Your objection submission must include information or materials responsive to all nine of the items listed in the “Option 2 - Object to the Settlement” section on Pages 6-7, including not only your identifying information and the reasons for your objection, but also the identification of all counsel representing you and all persons who may appear and/or testify at the hearing, as well as copies of all documents or writings you want the Court to consider.

Ultimately, the Court will decide who will be allowed to speak at the hearing.

GETTING MORE INFORMATION

18. HOW DO YOU GET MORE INFORMATION?

This notice summarizes the proposed Settlement. The precise terms and conditions of the Settlement are detailed in the Settlement Agreement. If there are any inconsistencies between this notice and the terms of the Settlement Agreement, the terms of the Settlement Agreement will control.

You can view the Settlement Agreement by: (1) visiting the settlement website (www.HIVDirectPurchaserClass.com); (2) calling Class Counsel ((501) 821-5575); (3) accessing the Court docket for this case, for a fee, through the Court’s PACER system at <https://ecf.cand.uscourts.gov> or a visit to the Clerk of Court at the address listed above between 9:00 a.m. and 4:00 p.m. on Monday through Friday, excluding Court holidays.

PLEASE DO NOT TELEPHONE THE COURT OR THE COURT CLERK’S OFFICE TO INQUIRE ABOUT THIS SETTLEMENT OR THE CLAIMS PROCESS.

Direct Purchaser Truvada/Atripla
Antitrust Settlement Claims Administrator
P.O. Box 990
Corte Madera, CA 94976-0990



VISIT THE SETTLEMENT WEBSITE BY
SCANNING THE PROVIDED QR CODE

GLS

«Barcode»

Postal Service: Please do not mark barcode

Claim#: GLS-«ClaimID» - «MailRec»

«First1» «Last1»

«CO»

«Addr2»

«Addr1»

«City», «St» «Zip»

«Country»

*KPH Healthcare Services, Inc. v.
Gilead Sciences, Inc.*

No. 3:20-cv-06961-EMC (N.D. Cal.)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

**Must Be Submitted Online
or Postmarked No Later
Than January 1, 2024**

Claim ID: <<ClaimID>

Claim Form

Complete this Claim Form if you are a Class Member in *KPH Healthcare Services, Inc. v. Gilead Sciences, Inc.*, No. 3:20-cv-06961-EMC (N.D. Cal.) and would like to receive a settlement payment from the class action settlement with Gilead.

Submit this Claim Form using the website, www.HIVDirectPurchaserClass.com,

OR

Mail your claim to:

Direct Purchaser Truvada/Atripla
Antitrust Settlement Claims Administrator
P.O. Box 990
Corte Madera, CA 94976-0990

YOUR CLAIM MUST BE SUBMITTED ONLINE OR POSTMARKED ON OR BEFORE JANUARY 1, 2024.

1. Class Member Information

[Redacted]		
Company Name		
[Redacted]	[Redacted]	
First Name of Company Representative	Last Name of Company Representative	
[Redacted]		
Company Street Address		
[Redacted]		
Company Street Address Continued		
[Redacted]	[Redacted]	[Redacted]
City	State	ZIP Code
[Redacted]		
Email Address of Company Representative		
[Redacted]	[Redacted]	[Redacted]
Telephone Number		



FOR CLAIMS PROCESSING ONLY	OB [Redacted]	CB [Redacted]	<input type="radio"/> DOC <input type="radio"/> LC <input type="radio"/> REV	<input type="radio"/> RED <input type="radio"/> A <input type="radio"/> B
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2. Class Member Representative Information

Please list the contact information for the person responsible for overseeing the claims process and communicating about your claim and distribution of any settlement payments. If the information is the same as #1, fill in the circle below and skip to #3.

The Class Member Information listed above is correct.

Company Name for Person Responsible

First Name of Person Responsible Last Name of Person Responsible

Street Address for Person Responsible

Street Address for Person Responsible Continued

City State ZIP Code

Email Address of Person Responsible

Telephone Number of Person Responsible

3. Brand Purchase Information (Pre-Populated)

<<AtriplaBrandUnits>>

Total number of units (pills) of brand Atripla purchased directly from Gilead between February 1, 2018 and September 27, 2022, reduced to account for returns and known assignments

<<TruvadaBrandUnits>>

Total number of units (pills) of brand Truvada purchased directly from Gilead between February 1, 2018 and September 27, 2022, reduced to account for returns and known assignments

This information has been pre-populated based on transactional data for brand Atripla and brand Truvada through May 31, 2022 only. If you believe that you made purchases of brand Atripla and/or brand Truvada between June 1, 2022 and September 27, 2022, please include those additional purchases in Part 3a.

A list of relevant National Drug Codes (NDCs) is included at the end of this Claim Form.

3a. Brand Purchase Information (Corrected)

Please leave this blank and skip to #4 if the information listed in #3 is correct.

If you wish to correct or add to the number of units (pills) of brand Atripla listed in #3, please list the corrected or additional information here.

Units of brand Atripla

Mark whether the above number of units (pills) should replace the pre-populated figure in Part 3 or should be added to the pre-populated figure in Part 3.

Replace Add



If you wish to correct or add to the number of units (pills) of brand Truvada listed in #3, please list the corrected or additional information here.

Units of brand Truvada

Mark whether the above number of units (pills) should replace the pre-populated figure in Part 3 or should be added to the pre-populated figure in Part 3.

Replace Add

**** You must submit supporting purchase records if you submit corrected or additional information. ****

If you are submitting this claim as an assignee, the data and supporting purchase records may be shared with the relevant assignor(s) during the claims administration process.

4. Generic Purchase Information

<<AtriplaGenericUnits>>

Total number of units (pills) of generic Atripla purchased directly from the generic manufacturer(s) between February 1, 2018 and September 27, 2022, reduced to account for returns and known assignments

<<TruvadaGenericUnits>>

Total number of units (pills) of generic Truvada purchased directly from the generic manufacturer(s) between February 1, 2018 and September 27, 2022, reduced to account for returns and known assignments

This information has been pre-populated based on transactional data produced by the following Producing Third-Party Generic Manufacturers for generic Atripla and generic Truvada during the below time periods only. If you believe you made purchases during time periods outside the data below or from manufacturers other than those listed below, please include those additional purchases in Part 4a.

- | | |
|--|---|
| Amneal Pharmaceuticals, Inc.
(3/1/2021–7/1/2022)
Macleods Pharma USA Inc.*
(4/8/2021 – 7/29/2022)
Aurobindo Pharma. USA Inc.*
(3/30/2021–8/31/2021)
Mylan Pharmaceuticals, Inc.
(3/31/2021 – 6/30/2022)
Cipla USA Inc.*
(3/30/2021 – 7/26/2022) | Strides Pharma Inc.
(3/24/2021 – 6/30/2022)
Laurus Generics, Inc.
(4/1/2021 – 7/27/2022)
Teva Pharmaceuticals USA, Inc.*
(9/30/2020 – 6/30/2022)
Lupin Pharmaceuticals, Inc.
(6/23/2021 – 6/29/2022)
Zydus Pharmaceuticals (USA) Inc.
(3/30/2021 – 11/30/2022) |
|--|---|

*These Producing Third-Party Generic Manufacturers provided transactional data for generic Truvada and generic Atripla; the rest of the Producing Third-Party Generic Manufacturers provided transactional data only for Truvada.

A list of relevant NDCs is included at the end of this Claim Form.



Covered NDCs

Purchases from February 1, 2018 to September 27, 2022

Drug Description	Manufacturer	Product NDCs	NDC Package Codes (11 Digit)
Branded Atripla	Gilead Sciences, Inc.	15584-0101	15584-0101-01
Branded Truvada	Gilead Sciences, Inc.	61958-0701	61958-0701-01
Generic Atripla (Efavirenz, Emtricitabine, Tenofovir disoproxil fumarate)	Aurobindo Pharma Ltd.	65862-497	65862-0497-30
	Cipla USA Inc.	69097-210	69097-0210-02, 76282-0678-30
	Laurus Labs Ltd.	42385-915	42385-0915-30, 42385-0915-90
	Macleods Pharmaceuticals Ltd.	33342-138	33342-0138-07
	Teva Pharmaceuticals USA Inc.	0093-5234	00093-5234-56
Generic Truvada (Emtricitabine, Tenofovir disoproxil fumarate)	Amneal Pharmaceuticals NY LLC	60219-2095, 69238-2095, 69238-1527	60219-2095-03, 69238-2095-03, 69238-1527-03, 42291-0439-30
	Apotex Corp.	60505-4202	60505-4202-03
	Aurobindo Pharma Ltd.	65862-354	65862-0354-30
	Cadila Healthcare Limited (now Zydus Lifesciences Ltd.)	70771-1594, 70771-1709	70771-1709-03, 70771-1709-04, 70771-1709-09, 70771-1594-03, 70771-1594-04, 70771-1594-09
	Cipla USA Inc.	69097-209, 69097-741	69097-0209-02, 69097-0741-02, 76282-0677-30
	Laurus Labs Ltd.	42385-953	42385-0953-30, 42385-0953-90
	Lupin Pharmaceuticals Inc.	68180-287	68180-0287-01, 68180-0287-06
	Macleods Pharmaceuticals Ltd.	33342-106	33342-0106-07
	Mylan Pharmaceuticals Inc.	0378-1930	00378-1930-93
	Strides Pharma Inc.	42543-719, 64380-719	42543-0719-04, 64380-0719-04, 51407-0112-30
	Teva Pharmaceuticals USA Inc.	0093-7607, 0093-7704	00093-7607-56, 00093-7704-56
	Zydus Pharmaceuticals (USA) Inc.	70710-1367	70710-1367-03, 70710-1367-04, 70710-1367-09



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Exhibit B

COURT-ORDERED
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JANUARY 1, 2024

Direct Purchaser Truvada/Atripla
Antitrust Settlement Claims Administrator
P.O. Box 990
Corte Madera, CA 94976-0990

UNITED STATES DISTRICT
COURT FOR THE
NORTHERN DISTRICT OF
CALIFORNIA

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Address Change Form

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Current Address: _____

City: _____

State: _____ ZIP Code: _____

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Our records show that you may have received a settlement package about the Gilead Settlement.

You may receive a payment if you submit a claim on time.

File Your Claim at www.HIVDirectPurchaserClass.com

To receive a cash payment from the Gilead Settlement, you must submit a Claim Form online at www.HIVDirectPurchaserClass.com. Or you may use the prepopulated Claim Form that was mailed to you, or print a Claim Form from the website, and mail it to the address on the form.

Claim Forms must be submitted online or postmarked by January 1, 2024.

If you submitted a Claim Form in the BMS Settlement, you still must submit a separate Claim Form to receive a payment in the Gilead Settlement. The funds from the BMS Settlement will be distributed once processing is complete.

For more information about this Settlement in *KPH Healthcare Services, Inc. v. Gilead Sciences, Inc.*, No. 3:20-cv-06961-EMC (N.D. Cal.), coordinated with *In re HIV Antitrust Litigation* (formerly *Staley v. Gilead Science, Inc.*), No. 3:19-cv-02573-EMC (N.D. Cal.), including the claims being released, visit the settlement website at www.HIVDirectPurchaserClass.com or contact Class Counsel at (501) 821-5575.



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Exhibit C

If you purchased brand or generic Truvada or Atripla directly from the manufacturer, you may receive a payment from a class action settlement. Under the settlement, Gilead agreed to pay \$246,750,000 into a Settlement Fund

NEWS PROVIDED BY

Roberts Law Firm US, PC and NastLaw LLC →

09 Oct, 2023, 08:00 ET

SAN FRANCISCO, Oct. 9, 2023 /PRNewswire/ -- Roberts Law Firm US, PC and NastLaw LLC announce that a proposed settlement has been reached in a class action lawsuit (*KPH Healthcare Services, Inc. v. Gilead Sciences, Inc.*, No. 20-cv-06961-EMC (N.D. Cal.) (coordinated with *In re HIV Antitrust Litigation* (formerly called *Staley v. Gilead Sciences, Inc.*), No. 3:19-cv-02573-EMC (N.D. Cal.)). The lawsuit alleges that Gilead engaged in a variety of alleged anticompetitive conduct in violation of federal antitrust laws that caused direct purchasers to pay too much for certain drugs used to treat and prevent HIV (Truvada, Atripla, and their generic equivalents). The Settlement resolves the claims against Gilead; a prior settlement resolved claims against BMS. Gilead denies any wrongdoing. No court or other authority has found that Gilead engaged in any wrongdoing.

The proposed Settlement generally includes entities that purchased Truvada, Atripla, or any of their generic equivalents directly from Gilead or any generic drug manufacturer from February 1, 2018 until September 27, 2022.

Under the Settlement, Gilead will pay \$246,750,000 into a Settlement Fund to settle all claims in the lawsuit. If you are a Class Member and want to get paid, you must submit a Claim Form by January 1, 2024, either online at www.HIVDirectPurchaserClass.com or by mail. If the Court approves the Settlement, claims will be paid after any appeals. Class Counsel will seek reimbursement for litigation costs and expenses, attorneys' fees, and a class representative service award. If approved, these amounts will be paid from the Settlement Fund.

If you are a Class Member, you can write to the Court about what, if anything, you do not like about the Settlement. The deadline to do so is December 28, 2023. Descriptions about the effects of these options and instructions on how to exercise them are available in the detailed notice available at www.HIVDirectPurchaserClass.com.

The Court scheduled a hearing for January 18, 2024 at 1:30 p.m. Pacific Time to consider whether the Settlement and allocations are fair, reasonable, and adequate, as well as any objections and any requests for reimbursement of costs and expenses, attorneys' fees, and a class representative service award. You do not need to attend, but you or your attorney may do so at your own expense. See the detailed notice available at www.HIVDirectPurchaserClass.com for the hearing location, where to find out if the date or time changes, and what you must do if you or your attorney wish to speak at the hearing.

For more information, visit www.HIVDirectPurchaserClass.com or call (501) 821-5575.

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Exhibit D



If You Purchased Brand or Generic Truvada or Atripla Directly From the Manufacturer, You May Receive a Payment From a Class Action Settlement; Gilead Agreed to Pay \$246,750,000 Into a Settlement Fund, Announces Roberts Law Firm, PC and NastLaw LLC

October 09, 2023 08:00 AM Eastern Daylight Time

SAN FRANCISCO--([BUSINESS WIRE](#))--Roberts Law Firm US, PC and NastLaw LLC announce that a proposed settlement has been reached in a class action lawsuit (*KPH Healthcare Services, Inc. v. Gilead Sciences, Inc.*, No. 20-cv-06961-EMC (N.D. Cal.) (coordinated with *In re HIV Antitrust Litigation* (formerly called *Staley v. Gilead Sciences, Inc.*), No. 3:19-cv-02573-EMC (N.D. Cal.)). The lawsuit alleges that Gilead engaged in a variety of alleged anticompetitive conduct in violation of federal antitrust laws that caused direct purchasers to pay too much for certain drugs used to treat and prevent HIV (Truvada, Atripla, and their generic equivalents). The Settlement resolves the claims against Gilead; a prior settlement resolved claims against BMS. Gilead denies any wrongdoing. No court or other authority has found that Gilead engaged in any wrongdoing.

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For more information, visit www.HIVDirectPurchaserClass.com or call (501) 821-5575.

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TOP FEATURES



Counterfeit Meds: Fighting the Forgers

Despite the innovative breakthroughs made by individual drug manufacturers, and the giant advances made by the sector collectively, the damage caused by counterfeiters continues to cast a shadow.

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LogiPharma USA 2023: Women Leaders in Supply Chain

Overall, the goal of the panel was to provide an honest conversation surrounding the challenges faced by women in the life sciences space. Nicholas Saraceno reports.

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Adalimumab Biosimilar Now Available at Significant Discount to Humira

Boehringer Ingelheim's unbranded adalimumab-adbm will be available at an 81% discount to adalimumab (Humira), making the medication more affordable and accessible to patients.

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Chilling Innovations: Temporary Cold Rooms in the Future Pharma Supply Chain

Thursday, October 12, 2023 at 2pm EDT | 1pm CDT | 11am PDT

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Advent International, Warburg Pincus Complete \$4.25B Acquisition of Baxter's BioPharma Solutions Business

Per the deal, Advent will now be a standalone contract development and manufacturing organization (CDMO) and will operate under the name Simtra BioPharma Solutions; it will continue to provide sterile contract manufacturing solutions, parenteral delivery systems, and customized support services to the pharma and biotech industries.

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CDC Recommends First Vaccine to Protect Infants from RSV

Developed by Pfizer, Abrysvo has been shown to reduce the risk of respiratory syncytial virus (RSV) hospitalization for babies by 57% in the first six months after birth.

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Report: Biotech Manufacturing Market to Reach 24.8B by 2028

The growth of this market—says the report—is driven by the rising demand for biologics and biosimilars, the increased focus on personalized medicine, and advancements in manufacturing technologies.

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TOP FEATURES



Fortifying Vaccine Supply Chains

The recent approvals of respiratory syncytial virus (RSV) vaccines by GSK and Pfizer highlight a significant milestone for the medical community as it looks to protect countless lives who suffer from this ailment. Yet, as the US reflects on the journey of the COVID-19 vaccine distribution, the path to delivering these life-saving solutions will be defined by how well supply chain challenges can be managed and combatted.

[Read more](#)



Making a List and Checking It Twice

In essence, the panel at LogiPharma USA spoke on the best practices for manufacturers to both create and maintain serialized transactions information, transaction statements, and securely exchanging Drug Supply Chain Security Act (DSCSA) traceability data with wholesale distributors, health systems, and retail dispensers (such as via EPCIS).

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Eversana Expands Commercialization Capabilities

The acquisition grows Eversana's European operations and worldwide capabilities to help pharma, medical device, and emerging biotech companies globally launch products, while improving market access.

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Almac Group Grows Global HQ, Invests in Production Facilities

The project, which is part of the global investment program announced last year, is expected to expand operations for the contract development and manufacturing organization (CDMO)'s business units, Almac Pharma Services and Almac Diagnostic Services.

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Anti-Counterfeit Packaging Market Estimated to Reach Nearly \$436 Million by 2030

The projected growth of the market is due to the rise in demand from the pharma industry, along with increasing cases of counterfeiting and stringent regulations associated with anti-counterfeit packaging, including DSCSA.

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Datwyler Launches RFS Combiseals for Cartridges

As combiseals for cartridges are in direct contact with the drugs administered, they must be clean enough to comply with regulatory requirements and prevent any risk to patients.

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October 10, 2023

BECKER'S

Pharmacy Report

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13. Learning Opportunity: Every 40 seconds, someone has a stroke in the U.S. Learn how Hackensack Meridian Health uses virtual care to improve its stroke response times and treatment rates [here](#).

14. Learning Opportunity: Most insurers aren't taking advantage of a key resource to improve maternal outcomes. See the strategy and how to implement it [here](#).

15. Learning Opportunity: Cancer care variation is a burden to staff and can hurt outcomes. Learn how to implement a strategy that can cut costs, boost quality and more. [Learn more.](#)

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October 24, 2023

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TOP STORY

US consumer price index up 0.4% for Sept.

The consumer price index rose 0.4% month on month in September and 3.7% from a year ago, slightly higher than the 0.3% rise markets were expecting, due largely to rising housing costs. Core inflation was also up 0.3% compared to August. **Full Story:** [Financial Times](#) (10/12), [CNBC](#) (10/12), [The Wall Street Journal](#) (10/12)



Fastenal reports Q3 results, Broersma to oversee supply chain

Fastenal reported upbeat third-quarter financial results with \$1.84 billion in revenue and better-than-expected earnings amid higher demand for heavy manufacturing equipment and onsite products. Separately, the company promoted Anthony Broersma to executive vice president of operations to oversee supply chain, ecommerce and logistics. **Full Story:** [Reuters](#) (10/12), [Industrial Distribution](#) (10/12)



FTC's case against Amazon could take years to resolve

The FTC's antitrust lawsuit against Amazon puts the onus on the agency to prove that the online retailer is a monopoly, engages in anti-competitive behavior and squeezes third-party sellers through fees and services. A final decision is likely years away if it isn't first dismissed, dropped or settled. California filed a similar lawsuit last year that is slated for a 2026 trial, and the District of Columbia had an antitrust suit dismissed last year. **Full Story:** [The Associated Press](#) (10/10)



- **Sysco will acquire Edward Don as part of new equipment operation**

Restaurant Business (10/11)

- **Sonepar celebrates a quarter century in US market**

Modern Distribution Management (tiered subscription model) (10/10)



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OPERATIONS AND TECHNOLOGY

Optimizing prices can drive growth, customer trust

Price optimization requires distributors to continuously monitor the marketplace to determine the most effective pricing for a product or service to retain customers and drive growth, writes Mitch Lee of Vendavo. Lee suggests companies invest in employees with strong analytical skills to sift through data, move toward a value-based pricing model and adopt AI technology to identify patterns and forecast customer preferences. **Full Story:** [Modern Distribution Management \(tiered subscription model\)](#) (10/10)



US container import volume bucks Sept. trend with gain

Container import volumes in the US bucked traditional declines in September with a .3% increase over August to total 2,203,452 20-foot equivalent units, but remained .6% lower than Sept. 2022, according

to Descartes Systems Group, which attributed the shift to rising imports from China and the Panama Canal drought. The research firm also reports wait times have normalized at West Coast ports while they've increased on the East Coast. **Full Story:** [CSCMP's Supply Chain Quarterly](#) (10/11)



SALES AND MARKETING

Report: Ad targeting info accurate 51% of the time



(Pixabay)

Matches of anonymized email and postal addresses among data providers used for ad targeting and measurement are accurate 51% of the time, but range from 32% to 69%, per research from Truthset and The Coalition for Innovative Media Measurement. Mismatches are primarily driven by the age of the data, as well as buyers worrying less about quality and more on using the

largest possible data pools, says Truthset CEO Scott McKinley. **Full Story:** [MediaPost Communications](#) (free registration) (10/10), [Ad Age](#) (tiered subscription model) (10/10)



Sales training is more effective with "coaching rhythm"



(EmirMemedovski/Getty Images)

Sales managers who are an integral part of training rather than an add-on are more effective because they "provide consistent and impactful coaching" that sinks in, writes the Rain Group's Andy Springer, co-author of "Virtual Selling." Springer explains how to create a "coaching rhythm," use simulated learning and ensure accountability, which can show "remarkable performance over

time" and lead to higher employee retention. **Full Story:** [Association for Talent Development](#) (10/2023)



THE BUSINESS LEADER

3 ways to build -- or regain -- trust within your team



(DNY59/Getty Images)

Build -- or regain -- trust among your team by modeling transparency, vulnerability, dependability and authenticity, writes Michael McFall, co-founder and co-CEO of Biggby Coffee. "In a world where fleeting metrics and superficial achievements often take the spotlight, it's essential to remember that genuine, lasting success in any organization is built on trust," McFall

writes. **Full Story:** [SmartBrief/Leadership](#) (10/11)



Smaller M&A deals increase but overall activity remains low

Mergers and acquisitions worth over \$100 million increased in Q3, but deals worth over \$1 billion were down markedly from recent years. Overall M&A activity remains low due in part to rising interest rates, increased antitrust scrutiny and cautious lenders, and while activity is expected to improve in the final quarter of the year, there is little margin for error in deals and companies need to navigate accelerated due diligence processes. **Full Story:** [Willis Towers Watson \(10/9\)](#), [CFO \(10/11\)](#)



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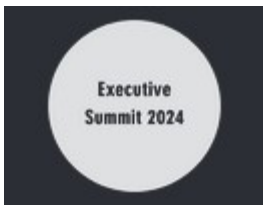
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TOP STORY

US economic growth is on an upward trajectory

Economic forecasts for the US are being revised upward to growth rates of 4% or more, despite higher interest rates and global conflicts. Fading fears of a recession may be making consumers more at ease with spending money, says Marc Giannoni of Barclays. **Full Story:** [The Wall Street Journal](#) (10/23)



Five ways distributors can find opportunities amid uncertainty

Industry insiders are anticipating slow growth in the fourth quarter and 2024, according to the Baird-MDM Industrial Distribution survey conducted in early October. However, there are still some positives and opportunities for distributors to drive growth. Indian River Consulting Group's proposes five strategies for maintaining a strong defense while deploying offensive moves to out-manuever competitors, including evaluating last price paid activities, investing in innovation, negotiating better buy prices and reacting quickly to threats and opportunities. **Full Story:** [Modern Distribution Management \(tiered subscription model\)](#) (10/20)



Striking Canadian seaway workers could disrupt shipping

The St. Lawrence Seaway maritime route that spans between Montreal and the Great Lakes shut down after labor negotiations with the St. Lawrence Seaway Management Corp. failed and roughly 360 union workers decided to strike on Sunday. St. Lawrence Seaway Management Corp. says the route is currently clean of ships but notes, "there are over 100 vessels outside the system, which are impacted by the situation." **Full Story:** [Reuters](#) (10/22)



- **Fastenal signs expanded multiyear sponsorship deal with NHL**

Modern Distribution Management (tiered subscription model) (10/20)

- **Ryan appointed Midwest regional president at Rexel USA**

TED Magazine (10/23)

- **Watsco reports \$171M in Q3 income on \$2.13B in sales**

Quartz/The Associated Press (10/19)



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OPERATIONS AND TECHNOLOGY

Report: Humans with robot teammate may not work as hard

Humans working with robots may be more likely to perform at a suboptimal level and let the machine do the heavy lifting, a phenomenon researchers called the "looking but not seeing" effect, in which workers trusted the robot's performance but did not put forth similar effort, according to a study published in *Frontiers in Robotics and AI*. Researchers say companies introducing automation on the floor should be especially careful of complacency around safety regulations and basic protocols. **Full Story:** [Industrial Distribution](#) (10/19)



Supply chain execs grapple with sustainability



(Pixabay)

The pressure on supply chain professionals to improve sustainability practices has increased annually over the past four years, yet only one-third of firms have established net-zero emissions goals and most are unprepared to meet them, according to research from the Council of Supply Chain Management Professionals and MIT Center for Transportation & Logistics.

Full Story: [Material Handling & Logistics online](#) (10/18)



Case study: Improving supply chain without cost focus

Health products company Kenvue has found that consistently improving supply chains with a focus on surge capacity, data/process upgrades and partnership investments makes for greater responsiveness and smoother handling of disruptions. Michael Altman of Kenvue, professor Atalay Atasu of INSEAD and Evren Ozkaya of SCW.AI, review Kenvue's approaches with different products, including Listerine and Tylenol. **Full Story:** [Harvard Business Review \(tiered subscription model\)](#) (10/18)



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SALES AND MARKETING

Infographic: Top generative AI picks for B2B marketers

This infographic from TopRank Marketing sets out the best generative AI tools for business-to-business marketers, spanning visuals, writing, search and SEO, productivity, analytics and influencer and social content. There are a number of tools highlighted for writing, including Jasper.ai and Anthropic's Claude 2, while for visual content, Meta AI's Make-A-Video and Midjourney are recommended.

Full Story: [MarketingProfs \(free registration\)](#) (10/19)



THE BUSINESS LEADER

Fed report flags geopolitical risks to financial system

The Federal Reserve's Financial Stability Report warns that rising geopolitical tensions pose a significant threat to the global financial system. "Escalation of these conflicts or a worsening in other geopolitical tensions could reduce economic activity and boost inflation worldwide, particularly in the event of prolonged disruptions to supply chains and interruptions in production," the report says. The report also cited issues in the office market, funding pressures on some banks and inflationary pressures. **Full Story:** [BNN Bloomberg \(Canada\) \(10/20\)](#), [Financial Times \(10/20\)](#)



NAW INSIDER

Fall 2023 Billion Dollar Executive Roundtables

NAW's Billion Dollar Executive Roundtable event November 8-9 in Dallas offers an opportunity to join other wholesaler-distributor executives in discussions about topics that matter to you and your company. Attendees will hear from leaders in the industry and expand their networking circles. Learn more about this invitation-only event [here](#).



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A good act does not wash out the bad, nor a bad act the good. Each should have its own reward.

George R.R. Martin,
writer



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